

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JAMES HERBERT PARKER,

Plaintiff,

v.

Civil Action No. 3:19CV644

UNKNOWN,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on October 9, 2019, the Court conditionally docketed Plaintiff's civil action. At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose and directed him to complete and return it to the Court. The Court warned Plaintiff that a failure to complete and return the *in forma pauperis* affidavit within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form.¹ As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action.

¹ Instead, Plaintiff returned the Court's October 9, 2019 Memorandum Order to the Court with a note unrelated to his financial status and with the blank *in forma pauperis* affidavit attached. (ECF No. 6.) If Plaintiff wishes to bring an action in this Court he must comply with the Court's directions.

See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

/s/

M. Hannah Lauck
United States District Judge

M. Hannah Lauck
United States District Judge

Date: **NOV 14 2019**
Richmond, Virginia